

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, JULY 13, 1992
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chair Person Filner at 2:10 p.m. Deputy Mayor Roberts adjourned the meeting at 4:13 p.m. into Closed Session on Tuesday, July 14, 1992 at 9:30 a.m. in the 12th floor conference room to discuss pending and potential litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-280509
(attend Democratic National Convention)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-excused by
R-280453 (no reason stated)
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (11)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present

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- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-not present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Seminarian Erika Meyer of All Soul's Episcopal Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Filner.

PUBLIC COMMENT:

ITEM-PC-1:

Comment by Don Stillwell regarding monopolies.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A036-063.)

COUNCIL COMMENT:

ITEM-CC-1: REFERRED TO CITY MANAGER

Comment by Council Member Filner regarding positive behavior by former gang members in his district who took it upon themselves to perform community work and make a statement against crime and violence. The Manager was asked to help encourage this behavior in some way.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: C532-567.)

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

6/22/92

6/23/92

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A065-069.)

MOTION BY WOLFSHEIMER TO APPROVE. Second by McCarty.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-not present, Stevens-yea, Behr-yea, Stallings-not
present, McCarty-yea, Filner-yea, Mayor O'Connor-not
present.

ITEM-31: GRANT THE HEARING

Matter of the request of Philip Chodur for a hearing of
an appeal from the decision of the Planning Commission
in denying Coastal Development Permit CDP-90-1092
(Ladybird Lane). The project proposes to construct a
single-family detached residence consisting of a total
of 5,125 square feet of gross floor area (including an
attached three car garage) with related site
landscaping, decorative paving and a swimming pool on a
portion of the 0.65-acre site. The subject property is
located at the southwest terminus of Ladybird Lane,
between La Jolla Mesa Drive and Warbler Way and is more
particularly described as Lot 15 of La Jolla Mesa Vista
Map-3650, Zone R1-8000 (portions in the Hillside Review
Zone) within the La Jolla Community Plan area.

(CDP-90-1092. District-1.)

A motion granting or denying the request for a hearing
of the appeal.

FILE LOCATION: PERM-CDP-90-1092

COUNCIL ACTION: (Tape location: A069-093.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING AS THE DECISION
OF THE PLANNING COMMISSION IS ARBITRARY AND DOES NOT
COINCIDE WITH OTHER DECISIONS MADE IN THE PAST, AND REQUEST
THAT THE PARTIES BE NOTICED TO ADVISE THEM THAT EACH SIDE

WILL BE LIMITED TO FIVE MINUTES. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-not present, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-32: GRANT THE HEARING

Matter of the request of Jennifer Sparks, et al, for a hearing of an appeal from the decision of the Planning Commission. Due to a lack of affirmative votes, the decision of the Planning Director to approve Coastal Development Permit/Hillside Review Permit/Planned Infill Residential Development Permit and Tentative Map 91-0335 (Palomar) stands. The project proposes the subdivision of a seven acre site for the construction of six detached, single-family units. The subject property is located at the eastern extent of Palomar Avenue, east of the Fay Avenue Bike Path and is further particularly described as Lot 1 of SANDS P.R.D. Map-9842 in Zone R-1-8000 within the La Jolla Community Plan area.

(CDP/HRP/PIRD-91-0335. District-1.)

A motion granting or denying the request for a hearing of the appeal.

FILE LOCATION: PERM-CDP/HRP/PIRD-91-0335

COUNCIL ACTION: (Tape location: A094-104.)

MOTION BY WOLFSHEIMER TO GRANT THE HEARING AS THE ISSUE HAS CITYWIDE SIGNIFICANCE. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-50:

Twelve actions relative to removing the Institutional Overlay Zone (IOZ) from school sites in the City of San Diego:

(Introduced on 6/30/92. Council voted 9-0.)

Subitem-A: (O-92-153) ADOPTED AS ORDINANCE O-17788
(New Series)

Removing the IOZ from all school sites within the City
of San Diego.

Subitem-B: (O-92-159) ADOPTED AS ORDINANCE O-17789
(New Series)

Rezoning Field Elementary School property to R1-5000.

Subitem-C: (O-92-160) ADOPTED AS ORDINANCE O-17790
(New Series)

Rezoning Clairemont High School property to R1-5000.

Subitem-D: (O-92-161) ADOPTED AS ORDINANCE O-17791
(New Series)

Rezoning Marston Middle School property to R1-5000.

Subitem-E: (O-92-162) ADOPTED AS ORDINANCE O-17792
(New Series)

Rezoning Administrative Offices property to R1-5000.

Subitem-F: (O-92-164) ADOPTED AS ORDINANCE O-17793
(New Series)

Rezoning Willow Road Elementary School property from
A1-1 to R-3000 (Coastal) (west portion).

Subitem-G: (O-92-165) ADOPTED AS ORDINANCE O-17794
(New Series)

Rezoning Willow Road Elementary School property from CO
to R-3000 (east portion).

Subitem-H: (O-92-166) ADOPTED AS ORDINANCE O-17795
(New Series)

Rezoning Hoover High School property to R1-5000 (Monroe
Ave. frontage only).

Subitem-I: (O-92-167) ADOPTED AS ORDINANCE O-17796
(New Series)

Rezoning Hamilton Elementary School property to
R1-40000 (northeastern portion only).

Subitem-J: (O-92-170) ADOPTED AS ORDINANCE O-17797
(New Series)

Rezoning Rolando Park Elementary School property to
R1-40000/HR (northwest portion only).

Subitem-K: (O-92-171) ADOPTED AS ORDINANCE O-17798
(New Series)

Rezoning Edison Elementary School property to CL-2
(portion).

Subitem-L: (O-92-172) ADOPTED AS ORDINANCE O-17799
(New Series)

Rezoning Central Elementary School property to CN-2
(portion).

FILE LOCATION: ZONE ORD. NO.

COUNCIL ACTION: (Tape location: A301-329.)

CONSENT MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING
AND ADOPT. Second by Behr. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea,
Behr-yea, Stallings-not present, McCarty-yea, Filner-yea,
Mayor O'Connor-not present.

ITEM-51:

Three actions relative to Gunite Regulations:

(Introduced as amended on 6/30/92. Council voted 6-0.
Districts 2,3 and 8 not present.)

Subitem-A: (O-92-155 Rev. 2) ADOPTED AS ORDINANCE
O-17800 (New Series)

Amending the San Diego Municipal Code, Section
101.0454, relating to erosion control methods for the
Hillside Review Overlay Zone.

Subitem-B: (O-92-156 Rev. 2) ADOPTED AS ORDINANCE
O-17801 (New Series)

Amending the San Diego Municipal Code, Section
101.0462, relating to erosion control methods for the
Resource Protection Ordinance.

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Subitem-C: (O-92-157 Rev. 3) ADOPTED AS ORDINANCE
O-17802 (New Series)

Amending the San Diego Municipal Code, Section
101.0480, relating to erosion control methods for the
Sensitive Coastal Resource Overlay Zone.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A356-495.)

MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT
WITH THE FOLLOWING MINOR MODIFICATIONS: SUBITEM-A, PAGE 6
OF 7, SUBSECTION L, DELETE THE WORDS "...AS A NEW
APPLICATION." SUBITEM-B, PAGE 5 OF 6, SUBSECTION D, DELETE
THE WORDS, "...AS A NEW APPLICATION." SUBITEM-C, PAGE 4 OF
7, SUBSECTION II, DELETE THE WORDS "...AS A NEW
APPLICATION." Second by Behr. Passed by the following
vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,
Stevens-not present, Behr-yea, Stallings-not present,
McCarty-yea, Filner-not present, Mayor O'Connor-not present.

Note: The City Attorney ruled that the revision was not
substantive enough to warrant neither an amendment nor a
reintroduction, therefore the ordinances were adopted with
these minor modifications.

ITEM-52: (O-92-150 Rev. 1) TRAILED TO JULY 14, 1992

Amending Ordinance O-17458, adopted on April 16, 1990,
collecting assessments for the La Jolla Business
Improvement District.

(La Jolla Community Area. District-1. Introduced as
amended on 6/29/92. Council voted 5-4. Districts 2,
5, 7 and Mayor voted nay.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: A495-524.)

Motion by Wolfsheimer to dispense with the reading the adopt
the ordinance. Second by Roberts. Failed by the following
vote: Yeas-1,2,4,8. Nays-3,5,7. Not Present-6,M.

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* ITEM-100: (R-93-11) ADOPTED AS RESOLUTION R-280313

Declaring the results of the Municipal Primary Election and Special Municipal Election held in the City of San Diego, on June 2, 1992.

CITY CLERK SUPPORTING INFORMATION: A Municipal Primary Election was held June 2, 1992, for the purpose of nominating or electing candidates for Mayor and City Attorney. A Special Municipal Election was held in the City on the same date, and consolidated with the State Primary Election, for the purpose of submitting seven propositions to the voters of the City of San Diego. The results of these elections have been certified by the Registrar of Voters and the City Clerk and are now being certified to the City Council.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-101: (R-92-1855) ADOPTED AS RESOLUTION R-280314

Awarding a contract to Particle Diagnostics, Inc., for furnishing asbestos laboratory analysis for bulk and air samples, as may be required for a period of one year beginning July 1, 1992 through June 30, 1993, for a total of \$48,585, with an option to renew the contract for one additional one year period, price escalation not to exceed the Consumer Price Index average for the San Diego area; awarding a backup contract for services to Design for Health, once that company receives its American Industrial Hygiene Laboratory certification, as required by the specifications, with an option to renew the contract for one additional one year period with price escalation not to exceed 5 percent of bid prices.

(BID-B3110/92)

FILE LOCATION: CONT-Purchase-Particle Diagnostics, Inc.
CONTFY 93-1

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present,
McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-102:

Two actions relative to the Construction of the San
Ysidro Recreation Building:

(San Ysidro Community Area. District-8.)

Subitem-A: (R-92-2638) ADOPTED AS RESOLUTION R-280315

Inviting bids for the Construction of the San Ysidro
Recreation Building on Work Order No. 119160; awarding
a contract to the lowest responsible bidder;
authorizing the expenditure of \$1,197,500 from
CIP-29-631.0, San Ysidro Athletic Area - Requirements,
\$12,802 from PSD Fund No. 11740, \$198 from PSD Fund No.
16000, \$200,000 from RZH Fund No. 38005, \$878,500 from
Prop. 70 Fund No. 38002, \$106,000 from DIF Fund No.
79518, and \$128,000 from CDBG Fund 18524, for providing
funds for said project and related costs; authorizing
the City Auditor and Comptroller, upon advice from the
administering department, to transfer excess budgeted
funds, if any, to the appropriate reserves.

(BID-K3258/92)

Subitem-B: (R-92-2639) ADOPTED AS RESOLUTION R-280316

Certifying that the information contained in
DEP-88-0021BG, dated 5/11/92, in connection with the
Construction of San Ysidro Recreation Building, has
been completed in compliance with the NEPA Guidelines,
and that said Declaration has been reviewed and
considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: The San Ysidro Athletic
Area (Larsen Field) is a 15.75 acre park located at 455 Sycamore
Road in the San Ysidro Community Planning Area. Most of the
existing park facilities were constructed in 1974. Minor
improvements were made in 1976, 1978, 1981 and 1985. The site is
primarily used for athletic purposes. The proposed recreation
center building will replace a very small field house and public
comfort station. The new building will be built in two phases.
This phase will provide a 9,655 square foot building with a gym,

an office, activity room, restrooms and storage. The next phase will occur when financing is available and will add two additional activity rooms providing 3,342 square feet of multi-purpose space.

Aud. Cert. 9200720.

FILE LOCATION: W.O. 119160 CONT - Baldan Construction CONT
FY 93-1

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present,
McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-103: (R-92-2637) TRAILED TO JULY 14, 1992

Inviting bids for Drain Reconstruction at San Diego Mission Road and Rancho Mission Road on Work Order No. 119763; awarding a contract to the lowest responsible bidder; establishing CIP-12-059.0, Drain Reconstruction at San Diego Mission Road and Rancho Mission Road; authorizing the City Auditor and Comptroller to transfer \$90,000 from Storm Drain Fee Fund 10508 to CIP-12-059.0; authorizing an expenditure of an amount not to exceed \$90,000 from CIP-12-059.0, for the purpose of executing this contract and related costs. (BID-K3255/92) (Mission Valley Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: The intersection of San Diego Mission Road and Rancho Mission Road and three locations easterly of Rancho Mission Road on San Diego Mission Road have had several street failures due to deteriorated metal storm drains. This project will replace the deteriorated metal drains with reinforced concrete pipes and eliminate future street collapse.

Aud. Cert. 9200898.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A117-119.)

Item was trailed to July 14, 1992 at 10:00 a.m. by the City Manager at the request of Council Member Stallings for her to be present.

ITEM-104: (R-92-2148) ADOPTED AS RESOLUTION R-280317

Granting an extension of time to June 30, 1994 to Village Properties, subdivider, to complete the improvements required in Carmel Valley Neighborhood I Unit No. 11.

(Carmel Valley Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On January 23, 1989, the City entered into an agreement with Village Properties, a California general partnership, for the construction of public improvements for Carmel Valley Neighborhood I Unit No. 11. The agreement expired on January 23, 1991. The subdivider has requested an extension of time to June 30, 1994 in which to complete the required improvements. The improvements are approximately 20 percent complete. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Carmel Valley Neighborhood I Unit No. 11

COUNCIL ACTION: (Tape location: C178-196.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 104, 105, 106, 107, AND 108 AND TO REQUEST E&D TO REVIEW ANY SUBDIVISION AGREEMENTS DUE TO EXPIRE AND BRING THEM UP TO DATE AS FAR AS LAPSES IN LIABILITY INSURANCE, BONDS, ETC., AND GIVE THEM TO THE DEVELOPERS BEFORE THEY EXPIRE FOR EACH OF THE AREAS INVOLVED. STAFF IS TO BRING AN UPDATE OF THESE AGREEMENTS BACK TO TP&E FOR REVIEW BY THE COMMITTEE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-105: (R-92-2150) ADOPTED AS RESOLUTION R-280318

Granting an extension of time to April 6, 1994 to Lusk-Smith/Mira Mesa North, subdivider, to complete the improvements required in Lusk Mira Mesa Business Park East I, Unit No. 1.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On August 20, 1984, the City entered into an agreement with Lusk-Smith/Mira Mesa North for the construction of public improvements for Lusk Mira Mesa Business Park East I, Unit No. 1. The agreement expired on August 20, 1986. On April 8, 1991, by City Council Resolution R-277599, an extension of time was granted until July 31, 1991 in which to complete the improvements. The subdivider has requested an extension of time to April 6, 1994 in which to complete the required improvements. The improvements are approximately 95 percent complete. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Lusk Mira Mesa Business Park East I,
Unit No. 1

COUNCIL ACTION: (Tape location: C178-196.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 104, 105, 106, 107, AND 108 AND TO REQUEST E&D TO REVIEW ANY SUBDIVISION AGREEMENTS DUE TO EXPIRE AND BRING THEM UP TO DATE AS FAR AS LAPSES IN LIABILITY INSURANCE, BONDS, ETC., AND GIVE THEM TO THE DEVELOPERS BEFORE THEY EXPIRE FOR EACH OF THE AREAS INVOLVED. STAFF IS TO BRING AN UPDATE OF THESE AGREEMENTS BACK TO TP&E FOR REVIEW BY THE COMMITTEE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-106: (R-92-2147) ADOPTED AS RESOLUTION R-280319

Granting a third extension of time to April 6, 1994 to Lusk Mira Mesa, subdivider, to complete the improvements required in Lusk Industrial Park Unit No. 4.

(Mira Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On December 12, 1983, the City entered into an agreement with Lusk Mira Mesa, a limited partnership, for the construction of public improvements for Lusk Industrial Park Unit No. 4. The agreement expired on December 12, 1985. Two time extensions have subsequently been granted. The subdivider has requested a third extension of time to April 6, 1994 in which to complete the required improvements. The improvements are approximately 90 percent complete. It is

recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Lusk Industrial Park Unit No. 4.

COUNCIL ACTION: (Tape location: C178-196.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 104, 105, 106, 107, AND 108 AND TO REQUEST E&D TO REVIEW ANY SUBDIVISION AGREEMENTS DUE TO EXPIRE AND BRING THEM UP TO DATE AS FAR AS LAPSES IN LIABILITY INSURANCE, BONDS, ETC., AND GIVE THEM TO THE DEVELOPERS BEFORE THEY EXPIRE FOR EACH OF THE AREAS INVOLVED. STAFF IS TO BRING AN UPDATE OF THESE AGREEMENTS BACK TO TP&E FOR REVIEW BY THE COMMITTEE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-107: (R-92-2149) ADOPTED AS RESOLUTION R-280320

Granting an extension of time to March 1, 1993 to Oliver McMillan Hillcrest Square, Ltd., subdivider, to complete the improvements required in Oliver McMillan Hillcrest Square.

(Uptown Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: On September 18, 1989, the City entered into an agreement with Oliver McMillan Hillcrest Square, Ltd., for the construction of public improvements for Oliver McMillan Hillcrest Square. The agreement expired on September 18, 1991. The subdivider has requested an extension of time to March 1, 1993 in which to complete the required improvements. The improvements are approximately 80 percent complete. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Oliver McMillan Hillcrest Square

COUNCIL ACTION: (Tape location: C178-196.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 104, 105, 106, 107, AND

108 AND TO REQUEST E&D TO REVIEW ANY SUBDIVISION AGREEMENTS DUE TO EXPIRE AND BRING THEM UP TO DATE AS FAR AS LAPSES IN LIABILITY INSURANCE, BONDS, ETC., AND GIVE THEM TO THE DEVELOPERS BEFORE THEY EXPIRE FOR EACH OF THE AREAS INVOLVED. STAFF IS TO BRING AN UPDATE OF THESE AGREEMENTS BACK TO TP&E FOR REVIEW BY THE COMMITTEE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-108: (R-92-2151) ADOPTED AS RESOLUTION R-280321

Granting an extension of time to March 22, 1993 to Pardee Construction Company, subdivider, to complete the improvements required in Sabre Springs Industrial Park Unit No. 1.

(Sabre Springs Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: On October 15, 1984, the City entered into an agreement with Pardee Construction Company, a California corporation, for the construction of public improvements for Sabre Springs Industrial Park Unit No. 1. The agreement expired on October 15, 1986. The subdivider has requested an extension of time to March 22, 1993 in which to complete the required improvements. The improvements are approximately 98 percent complete. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public. The time extension is in accordance with Council Policy 600-21.

FILE LOCATION: SUBD-Sabre Springs Industrial Park Unit No. 1.

COUNCIL ACTION: (Tape location: C178-196.)

MOTION BY WOLFSHEIMER TO ADOPT ITEMS 104, 105, 106, 107, AND 108 AND TO REQUEST E&D TO REVIEW ANY SUBDIVISION AGREEMENTS DUE TO EXPIRE AND BRING THEM UP TO DATE AS FAR AS LAPSES IN LIABILITY INSURANCE, BONDS, ETC., AND GIVE THEM TO THE DEVELOPERS BEFORE THEY EXPIRE FOR EACH OF THE AREAS INVOLVED. STAFF IS TO BRING AN UPDATE OF THESE AGREEMENTS BACK TO TP&E FOR REVIEW BY THE COMMITTEE. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-109: CONTINUED TO JULY 20, 1992

Three actions relative to Street Dedication - El Camino Real:

(Sorrento Hills Community Area. District-1.)

Subitem-A: (R-92-2130)

Approving the acceptance by the City Manager of a grant deed of Loma Sorrento Investors, granting to the City an easement for public street purposes in a portion of the Northeast Quarter of the Southwest Quarter of Section 30, Township 14 South, Range 3 West, San Bernardino Base and Meridian; dedicating said land as and for a public street and naming the same El Camino Real.

Subitem-B: (R-92-2131)

Approving the acceptance by the City Manager of easement deeds of Loma Sorrento Investors, granting to the City easements for drainage facilities and slope purposes in portions of the Northeast Quarter of the Southwest Quarter of Section 30, Township 14 South, Range 3 West, San Bernardino Base and Meridian.

Subitem-C: (R-92-2132)

Certifying that the information contained in Environmental Mitigated Negative Declaration DEP-84-0519, in connection with the dedication of a portion of El Camino Real, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said report has been reviewed and considered by the Council; declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approves the Mitigated Negative Declaration.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A160-163.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JULY 20, 1992 TO MEET WITH STAFF FOR ADDITIONAL INFORMATION. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-110: (R-92-2114) ADOPTED AS RESOLUTION R-280322

Authorizing the sale of a portion of Parcel 2 of Parcel Map PM-14812, for the amount of \$46,104.62 to Del Mar Union School District; authorizing the execution of a grant deed, granting the property to Del Mar Union School District; declaring that no broker's commission shall be paid by the City on the negotiated sale; approving the acceptance by the City Manager of an easement deed from Del Mar Union School District, conveying to the City an easement for irrigation purposes in a portion of Parcel 1 of Parcel Map PM-14812; authorizing the execution of a deed granting to San Diego Gas & Electric Company an easement in Parcel 2 of Parcel Map PM-14812, for electrical service to the Del Mar Neighborhood Five School.

(Carmel Valley Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: While building the Del Mar Neighborhood Five School, the Del Mar Union School District inadvertently encroached upon a total of 7,448 square feet of Carmel Del Mar Park, which is owned by the City of San Diego. The park and school are located between Del Mar Glen and Cypress Del Mar in Carmel Valley. The school district's property is situated in the center of the park and the encroachments are in various areas around the school district's property. After the encroachments were discovered, the City and school district discussed and negotiated a proposed sale. It is recommended that the City sell 7,448 square feet at a sale price based on the City's cost, plus interest from the City's date-of-purchase in 1987 to the date-of-sale, compounded annually which amounts to \$46,104.62. In addition, the City has requested from the school district an irrigation easement for the park 6 feet wide by 100 feet long across a portion of the western edge of the school district's property line. In exchange, the City will grant a 6 feet wide by 34 feet long gas & electric easement to SDG&E for utility service to the school. The SDG&E easement will begin at the northwestern corner of the City-owned parcel. It has been determined that these easements are of equal value, therefore, no consideration will be exchanged.

FILE LOCATION: DEED F-5857 DEED FY 93-1

COUNCIL ACTION: (Tape location: C148-172.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-yea, Behr-yea, Stallings-not

present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-111: (R-92-2049) ADOPTED AS RESOLUTION R-280323

Authorizing and directing the City Manager to file an application with the U.S. Department of Commerce, Economic Development Administration, for a grant in the amount of \$400,000 to capitalize a revolving loan fund, and to include with the application a Letter of Commitment accepting responsibility for the grant's administration in the event that the Southeast Economic Development Corporation becomes unable to perform;

Subject to the approval of the grant application, authorizing the City Manager to execute a Memorandum of Agreement with the Southeast Economic Development Corporation, in which the City delegates to the Corporation, and the Corporation accepts responsibility, to administer, market and package applications for the Economic Development Administration and Community Development Block Grant Revolving Loan Funds; subject to the approval of the above grant, authorizing the City Manager and the President of Southeast Economic Development Corporation to execute an amendment to the "Agreement for Consulting Services with the California Southern Small Business Development Corporation," as authorized by Resolution R-278826 (October 8, 1991), and an amendment to the "Trust Agreement with the California Southern Small Business Development Corporation," as authorized by Resolution R-278828 (October 8, 1991), incorporating the Economic Development Administration Revolving Loan Funds; subject to the approval of the grant application, the Southeast Economic Development Corporation is authorized to expend an amount not to exceed \$50,000 of Community Development Block Grant Funds (Fund No. 18526, Dept. No. 5895, Org. No. 9503, J.O. No. 000001) to administer, market and package loan applications for the Economic Development Administration and Community Development Block Grant Revolving Loan Funds.

(Centre City, Barrio Logan, Golden Hill, Southeast San Diego, City Heights, Webster Community Areas. Districts-2, 3, 4 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego received an invitation from the U.S. Department of Commerce's Economic Development Administration (EDA) to submit a joint application with the Southeast Economic Development Corp. (SEDC) for a \$400,000 grant to capitalize a revolving loan fund. The loans would be available to businesses in a "pocket of distress" in 23 San Diego census tracts.

The area generally coincides with the Southeast/Barrio Logan Enterprise Zone plus SEDC's area of influence. If funded, the EDA grant would require a local match of at least \$200,000. SEDC has initiated a revolving loan project for its area of influence using Community Development Block Grant (CDBG) funds. An eligible use of CDBG funds is to provide a local match for other federal grants. EDA has restrictions on its loan funds which are more restrictive than CDBG's regulations. To simplify loan administration, the narrower EDA regulations should be applied to the combined EDA/CDBG loan pool. The maximum loan amount will be \$50,000. To ensure that businesses in the SEDC area of influence receive a proportionate share of loans for which SEDC's original revolving loan fund was established, the loan portfolio will be managed so that no less than 50 percent of the loans will go to SEDC area businesses.

Aud. Certs. 9201025 and 9201026.

FILE LOCATION: MEET CCONT FY 93-2; CONT FY 93-1

COUNCIL ACTION: (Tape location: A176-200; C011-145.)

Motion by Stevens to continue to July 27, 1992 for more information concerning the item. Second by Wolfsheimer. No vote.

MOTION BY STEVENS TO ADOPT AND TO REQUEST THE CITY MANAGER TO PROVIDE INFORMATION ON CRITERIA FOR OTHER DISTRESSED AREAS AND OTHER DISTRICTS IN THE CITY THAT WOULD BE ELIGIBLE FOR THESE GRANTS; DETERMINE IF THESE FUNDS ARE APPLICABLE TO OTHER AREAS OF THE CITY THIS YEAR; WHAT IS THIS TOTAL AMOUNT OF MONEY WE CAN GET THIS YEAR UNDER THIS PROGRAM; DETERMINE WHAT OTHER AREAS QUALIFY FOR THESE FUNDS FOR NEXT YEAR. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-112: (R-92-2124) ADOPTED AS RESOLUTION R-280324

Authorizing the City Manager to submit, and if selected to accept and expend, a second year renewal of the Community Crime Resistance Grant from the office of Criminal Justice Planning.

(District-4.)

CITY MANAGER SUPPORTING INFORMATION: The City of San Diego Police Department has prepared a proposal for second-year funding of the Community Crime Resistance Grant Program. The program provides a Community Mobilizer (Police Officer II), Community Service Officer, and Administrative Aide to enhance neighborhood Policing and crime prevention throughout the Police Department's Southeastern Division. The program emphasizes a problem-oriented approach to the eradication of drugs, gangs, and other negative community factors which affect the quality of life of the residents.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-113: (R-92-2100) CONTINUED TO JULY 20, 1992

Modifying FY 1992 CIP by adding CIP-29-787.0, La Jolla Recreation Center Tennis Court No. 9; authorizing the City Auditor and Comptroller to transfer \$100,000 from PSD Fund No. 17000 to CIP-29-787.0, La Jolla Park and Recreation Center Tennis Court No. 9.

(La Jolla Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The proposed addition to the FY 92 CIP will provide funding for replacement of La Jolla Recreation Center's No. 9 Tennis Court. This court has been deemed unusable due to settlement from subgrade drainage problems. The community has requested that this court be replaced to provide for adequate facilities for tournaments and programs that take place at the Center.

Aud. Cert. 9201002.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A117-124.)

MOTION BY STEVENS TO CONTINUE TO JULY 20, 1992 AT THE REQUEST OF THE CITY MANAGER TO WORK WITH THE CITY ATTORNEY'S OFFICE TO CHECK INTO THE SOURCE OF FUNDING. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-114: (R-92-2136) ADOPTED AS RESOLUTION R-280325

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$30,000 from CIP-53-037.0 (Annual Allocation - Earthquake Restrainers for Bridges), TransNet Fund 30300 to CIP-53-370.4, Object Account 4905.

(Uptown Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project is providing for seismic retrofit improvements of the University Avenue bridge over Washington Street. The principal design features include (1) new bearing walls at abutments, (2) installation of restrainer units, and (3) column retrofitting. This is the eighth of several construction projects proposed to increase the seismic resistance of City bridges to today's state-of-the-art in regard to structural stability during a strong earthquake. The project is 50 percent completed at this time and is scheduled to be final on June 23, 1992. During soil excavation, concrete coring and other construction efforts, field conditions surfaced that were not as indicated or anticipated from the as-built drawings which were utilized for the structural calculations. A new analysis was prepared and additional forming, steel, and dowel/epoxy work was specified. The original scope of work will be exceeded; therefore, additional funds will be required to complete this project.

Aud. Cert. 9201017.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present,
McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-115: (R-92-2153) ADOPTED AS RESOLUTION R-280326

Authorizing the expenditure of an amount not to exceed
\$62,270 from the Clean Water Program Fund 41509,
CIP-45-910.2, for the final payment to the law firm of
Pepper, Hamilton & Scheetz for legal services in
connection with the defense of U.S.A. v. City of San
Diego, U.S. District Court Case No. 88-1101-B.

CITY MANAGER SUPPORTING INFORMATION: On March 7, 1988 the City Council authorized the retention of the law firm of Pepper, Hamilton & Scheetz with Special Counsel James Dragna to assist in the settlement negotiations and subsequent trials which allowed the City, United States and the State of California to enter into a consent decree on January 30, 1990 to settle alleged violations by the City of the Clean Water Act. On May 28, 1991, in its most recent action on this agreement, the City Council authorized the expenditure of \$844,000 for services completed by the firm through March 30, 1991. This brought the total Council authorizations for Pepper, Hamilton & Scheetz to \$1,694,000. The current request is for the final payment to this firm and includes payment for services provided to the City between April 1, 1991 and August 30, 1991. During this period, the firm was engaged in the necessary responses to post-trial matters such as Findings of Fact and Conclusions of Law, hearings on the deferral of the Consent Decree, and the United States' motion to reconsider Consent Decree issues. After August 1991, Special Counsel Dragna moved to the firm of McCutcheon, Doyle, Brown & Enersen. The City Council authorized McCutcheon, Doyle, et al, on February 24, 1992, to continue the effort in Federal Court and to facilitate matters relating to the establishment of the Multiple Species Conservation Program.

Aud. Cert. 9201024.

WU-CWP-92-171.

FILE LOCATION: MEET CCONT FY 93-1

COUNCIL ACTION: (Tape location: C202-425.)

MOTION BY McCARTY TO ADOPT AND REQUEST THE CITY ATTORNEY TO PROVIDE COUNCIL WITH A DOLLAR AMOUNT THAT HAS BEEN SPENT ON SPECIAL COUNSEL OVER THE PAST FIVE YEARS ON ANY CASE. ALSO CITY ATTORNEY TO PROVIDE EXPENDITURES FOR MR. JIM DRAGNA, REPRESENTING THE CITY OF SAN DIEGO FOR THE U.S.A. V. CITY OF SAN DIEGO CASE, AFTER JULY 30, 1991. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-nay, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-116: (R-92-2137) ADOPTED AS RESOLUTION R-280327

Approving Program Supplement No. 072 Rev. 1 to the Local Agency-State Agreement for Federal Aid Projects, No. 11-5004, for an estimated cost of \$1,577,000 for the Seismic Retrofitting of West Mission Bay Drive Bridge over San Diego River and Morena Boulevard Bridge over San Diego River and Friars Road.

(Mission Bay Park Community Area. Districts-2 and 6.)

CITY MANAGER SUPPORTING INFORMATION: Following the October 17, 1989, earthquake in the San Francisco area, an action was taken by the State legislature to establish a State and Local Agency Transportation Structure Retrofit Program. The provisions of this program are contained in SB 36X and its counterpart AB 38X. Twenty million dollars have been appropriated for the local agency portion of the program. The intent of the legislature is that the money appropriated for the local portion of the program be matched with federal aid and other funds available to the local agencies, and this is consistent with the intent to match funds on the state side as well. The subject agreement for Federal-Aid projects, No. 11-5004, will provide for reimbursement to the City of an estimated \$1,577,000 for the Seismic Retrofitting of the West Mission Bay Bridge over San Diego River and the Morena Boulevard Bridge over San Diego River and Friars Road.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-117: (R-92-2125) ADOPTED AS RESOLUTION R-280328

Accepting the loan of one Ford automobile from Allstate Insurance Company for use by the Regional Auto Theft Team in its vehicle theft suppression efforts; publicly expressing gratitude of the citizens of San Diego to Allstate Insurance Company for this civic act of generosity.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-118: (R-92-2054) CONTINUED TO JULY 20, 1992

Authorizing the execution of an agreement with the United States, acting through the International Boundary and Water Commission (IBWC), for a one-year extension on the use of the Tijuana emergency connection for conveyance, treatment and disposal of Tijuana sewage by the San Diego Metropolitan Sewerage System.

(See City Manager Report CMR-92-202. San Ysidro and Tijuana River Valley Community Areas. District-8.)

COMMITTEE ACTION: Reviewed by PFR on 6/24/92. Recommendation to approve the City Manager's recommendation. Districts 3, 5, 6 and 7 voted yea.

WU-CWP-92-161.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A124-130.)

MOTION BY FILNER TO CONTINUE TO JULY 20, 1992 AT THE REQUEST OF THE CITY MANAGER AS LANGUAGE IN THE AGREEMENT NEEDS TO BE ANALYZED FURTHER FOR CLARIFICATION. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-119: (R-92-2155) ADOPTED AS RESOLUTION R-280329

Authorizing the execution of a lease agreement with Pier I Imports (U.S.) Inc., replacing its current sublease agreement for 1.17 acres of property at 3220 Sports Arena Boulevard, with an initial annual rent of \$144,200 with a term ending in 2000, with potential extensions to 2015.

(Midway Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: In 1967, the City executed a ground lease for approximately 11 acres on Sports Arena Boulevard with Union Brietbard Joint Venture. In 1968, Union Brietbard executed a sublease with Pier I Imports Employees Savings Trust for approximately 1.17 acres of this City land. Pier 1 Imports (U.S.) Inc. succeeded Pier 1 Imports Employees Savings Trust. Union Oil, successor in interest to Union Brietbard, sold their interest in the land to the City in 1985, thereby making Pier 1 the City's direct lessee. The sublease agreement with Pier 1 is scheduled to expire in 2015. The City was entitled to receive annual rent of approximately \$12,000 until November, 1990. A rental adjustment due in November, 1990, prompted an update of the lease to reflect the current relationship and intentions of the parties. The proposed lease would replace the existing sublease agreement and provides for annual rent of \$144,200 retroactive to November, 1990. The City is also entitled to receive 10 percent of any equity received by Pier 1 through an assignment, subletting of a majority portion of the leasehold estate, or encumbrance. The term of the new lease expires in the year 2000, but Pier 1 may extend the lease for 3 additional 5 year periods if the City desires to continue the particular retail operation in place and if the parties are able to agree on the fair market rental value of the premises.

FILE LOCATION: LEAS-Pier I Imports (U.S.), Inc. LEAS FY
93-1

COUNCIL ACTION: (Tape location: C432-478.)

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-120:

Two actions relative to the Sherman Heights Community Center Corporation:

(Sherman Heights Community Area. District-8.)

Subitem-A: (R-92-2082) ADOPTED AS RESOLUTION R-280330

Authorizing the City Manager to execute a 30 year lease agreement with Sherman Heights Community Center Corporation for the operation and development of a new Community Center and renovation of the Haines historic house, at a rental of \$1.00 per year.

Subitem-B: (R-92-2083) ADOPTED AS RESOLUTION R-280331

Certifying that the information contained in the finding of no significant impact and Environmental Negative Declaration EQD-91-0038BG, in connection with Sherman Heights Community Center Corporation's lease, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines and that the finding and declaration have been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: On June 29, 1987, the City with Community Development Block Grant (CDBG) funds, purchased the property at 2230-2260 Island Avenue for the development of a new Sherman Heights Community Center and restoration of the Haines historic house. The City Council also at the time authorized the Manager to enter into exclusive negotiations with the Sherman Heights Community Center Corporation (SHCCC) for a non-profit lease for the properties.

In March 1988, a Right of Entry Permit was issued to the SHCCC for the purpose of site analysis, maintenance and preparation of a development plan for the property. It was determined that to renovate the Haines historic house and build the community center, a Conditional Use Permit (CUP), a Southeast San Diego Development Permit (SDP) and an application for CDBG funding would be required to process the plans.

In March 1991, the CUP, SDP and CDBG funding were approved. The development plans for the house restoration and community center were approved in December 1991. A lease has been negotiated with SHCCC which contains the following provisions:

Term: Thirty years
Rent: \$1.00 per year

Uses: Restoration of the Haines historic house for administrative offices for SHCCC staff and construction of a two-story community center containing 12,800 sq. ft. for meetings and child care center.

FILE LOCATION: LEAS-Sherman Heights Community Center Corp.
LEAS FY 93-1

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-121: (R-92-2092) ADOPTED AS RESOLUTION R-280332

Authorizing the execution of a grant award agreement with the State of California, California State Library, to accept the grant award of \$2,966,943 from the California Library Construction and Renovation Bond Act of 1988, for the Valencia Park Library.

(Emerald Hills Neighborhood. District-4.)

CITY MANAGER SUPPORTING INFORMATION: On July 19, 1991, the City submitted a grant application to the California Library Construction and Renovation Board for funding for a new Valencia Park Branch Library. This application was successful and \$2,966,943 of State funding, or 65 percent of the eligible project costs, was awarded for this project, with additional funding being provided from Community Development Block Grant and local sources.

The State requires execution of the grant application agreement, which incorporates the City's grant application as well as terms of the Bond Act of 1988 (Proposition 85) to formalize the City's acceptance of the grant award. The City has now obtained additional funding of \$1.45 million through CDBG and DIF which will allow expansion of the project from 15,000 to 25,000 square feet. The contract refers to the original 15,000 square foot facility, and the State will consider proposed plan revisions after a contract is in place.

The Board of Library Commissioners supported by formal motions the Proposition 85 grant application for the Valencia Park project, and supported the application for CDBG funding. Council

previously certified by Resolution R-278278 on July 8, 1991, the project budget in the grant application; the City's commitment of matching funds in the amount of \$1,597,584; the City's ability to finance the supplemental sums in the amount of \$456,200 to complete the project in a timely manner; the availability of local matching and supplemental funds needed to meet the cash flow requirements of the project; the accuracy and truthfulness of all information contained in the applications; and the City's commitment to operate the completed facility as a Public Library.

FILE LOCATION: MEET CONT FY 93-1

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stalling-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-122: (R-92-2086) ADOPTED AS RESOLUTION R-280333

Authorizing the execution of an agreement with the County of San Diego Probation Department, to continue to provide personnel to clean City-owned property at the Miramar Landfill, for Fiscal Year 1992-93; authorizing the expenditure of not to exceed \$245,000 from the Waste Management, Litter Control Division, Fund No. 41200, Dept. No. 753, Account No. 4227, Job Order No. 7532, contingent upon the approval of the Fiscal Year 1993 budget.

CITY MANAGER SUPPORTING INFORMATION: Since July 1984, the City has entered into agreements with the County of San Diego Probation Department to utilize Probation Department crews to clean City-owned property. This is a request to continue the agreement and authorize expenditures for an additional year. (Agreement Document No. RR-278955).

Under this agreement, the County will supply crews of 12 or more persons with a Supervisor to assist Litter Control and Refuse Disposal with cleaning trash and weeds from along roadways, open space areas and the Miramar Landfill. The City will supply a lead person to designate the worksite and monitor the work. The cost to the City will be \$310 per crew per day.

Aud. Cert. 9300006.

FILE LOCATION: MEET CONT FY 93-1

COUNCIL ACTION: (Tape location: C481-526.)

MOTION BY STEVENS TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-200: (R-92-2640) RETURNED TO CITY MANAGER

Declaring Caves Construction, Inc. and Jose Caves and Hortencia Torrez, to be non-responsible bidders and therefore ineligible to bid on City requirements for a period of three years.

(BID-K3261/92)

CITY MANAGER SUPPORTING INFORMATION: Caves Construction Company, Inc. has received several City construction contracts over the past few years. The City Attorney recently brought it to the attention of the Purchasing Department that the City has entered into a major civil lawsuit against Caves, Inc. The City complaint alleges four causes of action:

1. Violation of City codes related to illegal dumping
2. Illegal land development work
3. Maintenance of a public nuisance
4. Unfair business practices

Since at least April 23, 1991, Mr. Jose Caves has permitted Caves, Inc. and others to illegally dump excavation material; concrete, rubble and fill dirt upon three parcels of land owned by Mr. Caves in the Dillons Trail area of Otay Mesa. Some of the dumped material has been directly traced to two City projects on which Caves, Inc. was working. The parcels in question are vacant land which spans natural canyons. No land development permit has been applied for. The dumping has persisted despite several notices of violation. The City Attorney estimates that the illegal dumping has saved Caves, Inc. over \$100,000 in dumping fees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A141-145.)

MOTION BY McCARTY TO RETURN TO THE CITY MANAGER AT THE REQUEST OF THE CITY MANAGER FOR FURTHER DISCUSSION WITH THE CONTRACTOR. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea,

Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea,
Filner-yea, Mayor O'Connor-not present.

ITEM-201: (R-93-15) ADOPTED AS RESOLUTION R-280334

Consideration of the following nominees for appointment
to the Southeast Economic Development Corporation
(SEDC) Board of Directors to fill three vacancies, for
terms ending May 25, 1995:

(See memorandum from Mayor O'Connor dated 7/1/92.)

NOMINEE	NOMINATED BY
David Poole (Reappointment)	Councilmember Stevens
Rev. Robert Ard	Councilmember Stevens
Richard Juarez	Councilmember Filner

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A527-580.)

MOTION BY FILNER TO ADOPT. Second by Hartley. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea,
Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present,
McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-202:

Two actions relative to De La Fuente Business Park
Phase II, Assessment District No. 4021 - Issuance of
Bonds (Municipal Improvement Act of 1913):

(Otay Mesa Community Area. District-8.)

Subitem-A: (R-93-1) ADOPTED AS RESOLUTION R-280335

Authorizing the issuance of Bonds, approving the Bond
Indenture, and Preliminary Official Statement.

Subitem-B: (R-93-2) ADOPTED AS RESOLUTION R-280336

Authorizing the City Manager to award the sale of the
bonds at the lowest interest rate.

CITY MANAGER SUPPORTING INFORMATION: On June 16, 1992, the City

Council approved the assessment diagram and confirmed the assessment for public improvements constructed within De La Fuente Business Park Phase II Assessment District. Prior to Council's confirmation of the assessment, all property owners within the boundaries of the district were notified of the 30-day period to make payment of assessments in cash. Property owners representing 100 percent of all owners to be assessed have signed waivers of the 30-day cash collection period. In accordance with the waiver of cash collection period, the confirmed assessment will become due and payable in annual installments, with improvement bonds issued to represent the amount of unpaid assessments.

In order to take advantage of the current low interest rate environment, a notice of public sale of bonds was issued on June 26th specifying July 14th as the date to submit sealed bids. As is customary, Council action awarding the bonds or rejecting all bids must occur within thirty-six hours of the bid opening. To ensure bond award within the specified time period, the City Manager will be authorized by Council to accept the lowest net interest cost submitted on behalf of the City. The net interest cost on the bonds shall not exceed 8.5 percent per annum without Council approval.

FILE LOCATION: STRT-D-2283

COUNCIL ACTION: (Tape location: A527-580.)

MOTION BY FILNER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

*ITEM-S400: (R-92-2091) ADOPTED AS RESOLUTION R-280337

A Resolution approved by the City Council in Closed Session on Tuesday, May 5, 1992 by the following vote: Wolfsheimer-yea; Roberts-not present; Hartley-yea; Stevens-yea; Behr-not present; Stallings-yea; McCarty-yea; Filner-not present; Mayor-not present.

Authorizing the City Manager to pay the total sum of \$31,000 in the settlement of any and all claims of Donald H. Hawthorne and James Siler against the City of San Diego, its agents and employees, for damages arising from processing the application for Coastal Development/Conditional Use Permit No. 91-0469;

Authorizing the City Auditor and Comptroller to issue one check in the amount of \$31,000, made payable to Donald H. Hawthorne and James Siler in full settlement of any and all claims; declaring that the claimants shall not be obligated to pay any additional permit fees or costs associated with any permits required to be obtained from the City of San Diego relating to the project modifications required by the City of San Diego; declaring that the claimants shall not be obligated to reimburse the Planning Department for the deficit in the project account.

CITY MANAGER SUPPORTING INFORMATION: Pursuant to the instructions given by the City Council in executive session on May 5, 1992, Severo Esquivel, Deputy City Manager/Acting Planning Director, negotiated a settlement of the claim for damages resulting from the City's failure to require a coastal development permit in conjunction with processing the application referenced above. The damages alleged by the applicant exceeded \$100,000 for the costs of redesigning the structure and costs associated with the delay of construction for over one year. Mr. Esquivel negotiated a settlement for \$31,000 to be paid to the applicants. In addition, the City is to absorb the fees associated with the processing and issuance of the planning and building permits for the structure as modified and approved by the City Council and absorb the deficit in the Planning Department account for the project which deficit accumulated as a result of the City's error in processing the application. The total of the cash payments and fees to be absorbed by the City does not exceed the amount the City Council authorized Mr. Esquivel to utilize in his negotiations of a settlement. It is our recommendation that the City Council approve payment of the sum of \$31,000 and waive the applicants fees described above in full and final settlement of all claims for damages arising from the failure of the City to process the application properly.

Aud. Cert. 9201050.

FILE LOCATION: PERM-CDP/CUP 91-0469

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

ITEM-S401: (R-92-2635) RE-ADOPTED AS RESOLUTION R-280197

(Continued from the meeting of July 7, 1992, Item S407C, at Councilmember Stallings' request for full Council.)

Rejecting all bids received on May 7, 1992 and readvertising for bids for the Construction of Sewer Pump Station No. 17 Renovation on Work Order No. 171751; authorizing the execution of a contract with the lowest responsible bidder. (BID-K3085/92A)

(Pacific Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: The Sewer Pump Station (SPS) No. 17 project was advertised on April 9, 1992, and the bid opening for the project was on May 7, 1992. Four bids were received. However, due to a provision in the specifications which caused a legal concern, the City Manager recommends rejecting all bids and readvertising. Prior to readvertising, an addendum will be issued to the specifications to omit the provision in question.

Aud. Cert. 9200749.

WU-P-92-157.

FILE LOCATION: W.O. 171751 CONT - The Industrial Company
CONFY 93-1

COUNCIL ACTION: (Tape location: B016-187.)

On June 22, 1992 Council voted to reject the bids for Sewer Pump Station 17 renovation, Resolution R-280197. On July 7, 1992, Council voted to reconsider the item, and continued the hearing to July 13, 1992.

Motion by McCarty to accept the low bidder, absent any experience clause, and not approve the City Manager's recommendation. Second by Stevens. Failed by the following vote: Yeas-4,7; Nays-1,2,3,5,8; Not present-6,M.

MOTION BY WOLFSHEIMER TO RE-ADOPT AND APPROVE THE CITY MANAGER'S RECOMMENDATION TO REJECT ALL BIDS. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-not present, McCarty-nay, Filner-yea, Mayor O'Connor-not present.

Auxiliary motion by McCarty to instruct the City Attorney to come back to Council with a procedure the City can follow that legally allows the City to determine the competency level of companies bidding on City projects, and be able to see some real evidence of experience in the certain area they are bidding on so the City can be sure they are capable of doing the job. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S402: (R-92-1766) TRAILED TO JULY 14, 1992

(Continued from the meetings of June 29, 1992, Item 117, and July 6, 1992, Item S405; last continued at the City Manager's request, for further review.)

Supporting the Massachusetts Water Resources Authority's position in Associated Builders and Contractors of Massachusetts/Rhode Island, et al. v. Massachusetts Water Resources Authority, et al. and the filing of a brief in support of that position by the National League of Cities and the National Conference of Mayors.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A149-155.)

ITEM TRAILED TO JULY 14, 1992 AT THE REQUEST OF THE CITY MANAGER.

ITEM-S403: (R-92-2152) ADOPTED AS RESOLUTION R-280339

Authorizing the City Manager to execute an agreement with the Southeast Economic Development Corporation and the San Diego Incubator Corporation, to carry out economic development activities from July 1, 1992 through June 30, 1993; authorizing the expenditure of an amount not to exceed \$270,000 from Community Development Block Grant (CDBG) Fund 18528, Dept. 4029, Org. 2901, Object Account 9544, contingent upon receipt of the funds from the United States Department of Housing and Urban Development, for the purpose of providing funds for this project.

(See Southeast Economic Development Corporation memorandum.)

Aud. Cert. 9201033.

FILE LOCATION: MEET CONT FY 93-2

COUNCIL ACTION: (Tape location: A267-280; B228-C008.)

Motion by Stevens to continue for further clarification and have a number of questions answered. No second.

Motion by Stevens to approve the City Manager's recommendation with the amendment that SEDC and the SDIC return within 60 days with an operating agreement that more clearly describes the outcome and objectives to be obtained by the SDIC and the operation of the BIC; and also recommend that the City freeze the Executive Director's salary at the FY 92 level of \$39,600. No second.

MOTION BY FILNER TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH SEDC AND SDIC TO CARRY OUT ECONOMIC DEVELOPMENT ACTIVITIES FROM JULY 1, 1992 THROUGH JUNE 30, 1993 WHICH AUTHORIZES THE \$270,000 AND IN ADDITION REQUEST SEDC TO BRING BACK TO COUNCIL FOR ITS REVIEW AND COMMENTS, THE OPERATING AGREEMENT BETWEEN SEDC AND SDIC; AND RECOMMEND THAT THE SEDC BOARD FREEZE THE EXECUTIVE DIRECTOR'S SALARY AT THE FY 92 LEVEL. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S404: (R-93-88) ADOPTED AS RESOLUTION R-280340

Permitting 21 Harlem to arrange for the fencing of the Dennis V. Allen Park, and charge a minimal admission fee to offset the cost of the "Jazz Iz Forever" concert.

(Gateway Community Area. District-4.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A527-580.)

MOTION BY FILNER TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

* ITEM-S405: (R-93-89) ADOPTED AS RESOLUTION R-280341

Proclaiming July 18, 1992 to be "The Greater Skyline Community Association Day" in San Diego, and commending the Greater Skyline Community Association for its outstanding leadership, community service, and for their Second Annual Community Fair/Job Fair.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A527-580.)

CONSENT MOTION BY HARTLEY TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-not present, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor Roberts at 4:13 p.m.